



***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, MARCH 17, 2020***  
***7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Usha Reddi and Commissioners Wynn Butler, Linda Morse, Mark J. Hatesohl, and Aaron Estabrook were present. Also present were City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, Assistant City Manager Dennis Marstall, City Attorney Katharine Jackson (participating remotely), City Clerk Brenda K. Wolf, 5 staff present and 1 (participating remotely), and approximately 9 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Reddi led the Commission in the Pledge of Allegiance.

**PROCLAMATION**

Mayor Reddi proclaimed April 2020, *America and Military Saves Month*. Robin Burchett, Assistant Banking Center Manager, Armed Forces Bank, was present to receive the proclamation.

**COMMISSIONER COMMENTS**

Commissioner Estabrook stated he spoke with James Kelly in Senator Moran's office regarding recent movement with stimulus money regarding the G.I. Bill, small business and Airport funding. He conveyed that he was going to do all that he could to ensure that people are not harmed more during this COVID-19 crisis.

Commissioner Morse conveyed her concern for the community, state, and country regarding the COVID-19 crisis. She stated she is the City Commissioner representative to the Flint Hills Regional Council and that the Regional Council is accepting applications by May 1 to fill the Director's position. She mentioned the Manhattan Housing Authority still has studio apartments for rent at the High Rise Tower since re-opened after being renovated.

Commissioner Butler stated that the COVID-19 will have an economic impact at the local level and that it could affect the budget this year.

## COMMISSIONER COMMENTS (*CONTINUED*)

Mayor Reddi provided data regarding the novel coronavirus COVID-19, measures that have been taken in the community and the economic impact it will have on everyone.

City Manager Ron Fehr provided information on how future Commission meetings would be handled virtually and how the public would be able to make comments on agenda items.

### CONSENT AGENDA

(\* denotes those items discussed)

#### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, March 3, 2020.

#### CLAIMS REGISTER NOS. 2937 AND 2938

The Commission approved Claims Register Nos. 2937 and 2938 authorizing and approving the payment of claims from February 26, 2020 – March 10, 2020, in the amounts of \$75,450.59 and \$6,133,766.72, respectively.

#### FINAL PLAT – GRAND MERE, UNIT SIX

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Grand Mere, Unit 6, generally located to the south of Heartland Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations.

#### FINAL PLAT – ST. ISIDORE’S CATHOLIC STUDENT CENTER

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of the St. Isidore’s Catholic Student Center Planned Unit Development, generally located at the northwest corner of the intersection of Denison Avenue and Anderson Avenue, based on conformance with the Manhattan Urban Area Subdivision Regulations.

#### FINAL PLAT – LEE MILL VILLAGE, UNIT THREE

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of the Lee Mill Village, Unit Three, generally located along South Wreath Avenue at Oakbrook Place, based on conformance with the Manhattan Urban Area Subdivision Regulations.

#### ORDINANCE NO. 7475 – AMEND – MICRO MOBILITY ON TRAILS

The Commission approved Ordinance No. 7475 amending Section 23-89 on the Code of Ordinances, relating to the use of certain vehicles within city park or recreation areas or open space areas.

## CONSENT AGENDA (CONTINUED)

### ORDINANCE NO. 7476 – NATURAL BURIALS

The Commission approved Ordinance No. 7476 amending Chapter 9 of the Code of Ordinances relating to the City-owned and operated cemeteries, regarding cemetery definitions (Section 9-1), condition of grave spaces (Section 9-16), and disinterment (Section 9-22) for natural burials.

\* **AGREEMENT – ARCHITECTURAL SERVICES – JOINT MAINTENANCE FACILITY (SP1601)**

Commissioner Morse asked that the item be moved to the end of the General Agenda.

\* **AGREEMENT - CMAR – JOINT MAINTENANCE FACILITY (SP1601)**

Commissioner Morse asked that the item be moved to the end of the General Agenda.

### CONTRACT AMENDMENT NO. 1 – TUTTLE CREEK BOULEVARD NORTH DITCH IMPROVEMENTS (SM1814)

The Commission authorized the Mayor and City Clerk to execute Contract Amendment No. 1, in an amount not to exceed \$145,824.00, with Olsson, of Manhattan, Kansas, for additional design services for the Tuttle Creek Boulevard North Ditch Improvements Project (SM1814).

### AWARD CONTRACT – SANITARY SEWER AERIAL CROSSING IMPROVEMENTS (SS1708)

The Commission authorized the Mayor and City Clerk to accept the Engineer's Opinion of Probable Cost in the amount of \$301,473.00; awarded and authorized the Mayor and City Clerk to execute a construction contract in the amount of \$199,149.50 with JK Contracting, of Junction City, Kansas; and approved Resolution No. 031720-A authorizing construction and financing for the Sanitary Sewer Improvement Project (SM1807, SM1812).

### AWARD CONTRACT – KIMBALL AVENUE, BROWNING AVENUE AND KELLY DRIVE STORM SEWER IMPROVEMENTS (SM1807, SM1812)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$288,743.50; awarded and authorized the Mayor and City Clerk to execute a construction contract to J&K Contracting, LC, of Junction City, Kansas, in the amount of \$270,320.70; and approved first reading of an ordinance authorizing construction and financing for the Kimball Avenue, Browning Avenue and Kelly Drive Storm Sewer Improvement Project (SM1807, SM1812).

## CONSENT AGENDA (CONTINUED)

### AWARD CONTRACT – WELL REHABILITATION (WA2002, WA2008)

The Commission awarded and authorized the Mayor and City Clerk to execute contracts in the total amount of \$99,805.00 with Sargent Drilling Company, of Salina, Kansas, for the 2020 Well Rehabilitation (WA2002 and WA2008) projects to rehabilitate Well Nos. 10, 13, 20 and 28, to be paid from the Water Fund.

### AWARD CONTRACT – 2020 CONCRETE STREET MAINTENANCE (ST2002)

The Commission awarded and authorized the Mayor and City Clerk to execute a construction contract, in the amount of \$653,100.00, to T & M Concrete Construction Company, of Junction City, Kansas, for the 2020 Concrete Street Maintenance (ST2002) project.

### LEASE PURCHASE – RUNWAY DEICING TRAILER

The Commission accepted the bid, and authorized the purchase of a runway deicing trailer (CIP #AP069E) for the Manhattan Regional Airport, in the amount of \$54,660.00, from BATTIS, Inc., of Advance, Indiana; and authorized the Mayor and/or City Clerk to execute a five-year Lease Purchase Agreement, with an annual payment of \$9,069.26 at a 2.07% interest rate, and all documents necessary for the lease purchase with Commerce Bank/Clayton Holdings, Inc., to be paid from the Airport Operations Division.

### ACCEPT GRANT – KDOT - SAFE ROUTES TO SCHOOL, PHASE IIC

The Commission authorized the Mayor to execute all required documents to accept the KDOT Transportation Alternative Grant for the Safe Routes to School, Phase IIC, with KDOT providing \$238,444.00 and the City providing \$120,000.00, and directed City Administration to proceed with this project.

### PURCHASE – KIMBALL AVENUE REHABILITATION (ST1914) STORMWATER MATERIALS

The Commission approved and authorized the purchase of stormwater materials, in the amount of \$66,808.80, for the Kimball Avenue Rehabilitation (ST1914) project.

Mayor Reddi opened the public comments.

Hearing no comments, Mayor Reddi closed the public comments.

Commissioner Butler moved to approve the consent agenda with the exception of Item H - AGREEMENT – ARCHITECTURAL SERVICES – JOINT MAINTENANCE FACILITY (SP1601) and AGREEMENT - CMAR – JOINT MAINTENANCE FACILITY (SP1601) which was moved to the end of the General Agenda. Commissioner Morse seconded the motion. On a roll call vote, motion carried 5-0.

## GENERAL AGENDA

### **FIRST READING - REZONE - 1018 AND 1026 POYNTZ AVENUE TO ALLOW FOR A NEW RESTAURANT/CAFÉ AND DRINKING ESTABLISHMENT IN THE EXISTING BUILDINGS ON THE SITE**

Chad Bunger, Assistant Director of Community Development, presented the request to rezone 1018 and 1026 Poyntz Avenue and the Manhattan Urban Area Planning Board's recommendation for approval. He then answered questions from the Commission.

Mayor Reddi opened the public comments.

Hearing no comments, Mayor Reddi closed the public comments.

Commissioner Hatesohl moved to approve first reading of an ordinance rezoning 1018 and 1026 Poyntz Avenue, a 22,500 square foot site generally located to the northeast of North 11<sup>th</sup> Street and Poyntz Avenue intersection, to the Parkside Planned Unit Development, based on the findings in the Staff Report (*See Attachment No. 1*) with two conditions of approval, and the recommendation of the Manhattan Urban Area Planning Board. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

Commissioner Estabrook asked is public comments that were submitted prior to the Commission meeting. Ron Fehr, City Manager, stated that public comments, which were received by the City Clerk through the City's website, did not pertain to any item on the agenda but were provided to the Commissioners prior to the meeting.

### **AUTHORIZE TO REQUEST CONSTRUCTION BIDS - KIRKWOOD DRIVE EXTENSION (SM1816, ST1811)**

Brian Johnson, City Engineer, presented the current conditions of the site, traffic data of the Tuttle Creek Boulevard and Walters Drive intersection, the plan for Kirkwood Drive, and financing options for the project. He then answered questions from the Commission. He answered questions from the Commission.

Jason Hilgers, Deputy City Manager, and Ron Fehr, City Manager, provided additional information regarding a possible Transportation Development District (TDD) for the Walters-Morgan Construction property.

Mayor Reddi opened the public comments.

Hearing no comments, Mayor Reddi closed the public comments.

Brian Johnson, City Engineer, answered additional questions from the Commission.

GENERAL AGENDA (CONTINUED)

AUTHORIZE TO REQUEST CONSTRUCTION BIDS - KIRKWOOD DRIVE EXTENSION (SM1816, ST1811) (CONTINUED)

After discussion, Commissioner Morse moved to authorize City staff to proceed with the solicitation of bids for the construction of the Kirkwood Drive Extension Project (SM1816/ST1811). Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

ITEM REMOVED FROM CONSENT AGENDA

AGREEMENT – ARCHITECTURAL SERVICES/AGREEMENT - CMAR – JOINT MAINTENANCE FACILITY (SP1601)

Ron Fehr, City Manager, highlighted the item. He then answered questions from the Commission.


After discussion, Commission Butler moved to approve the original consent agenda Item H, the Joint Maintenance Facility (SP1601) *[which motion read to authorize City Administration to finalize, and the Mayor and City Clerk to execute, an agreement for professional services in an amount not to exceed \$1,090,363.00 with BBN Architects, Inc., of Manhattan, Kansas, for Architect Services for the Water, Wastewater, Street, Fleet, Forestry, and Park Maintenance Joint Facility (SP1601, CIP #ST063P); accept the Selection Committee's recommendation and find that McCownGordon Construction is the most qualified proposer for the Project; and authorize City Administration to finalize, and the Mayor and City Clerk to execute, an agreement for Construction Manager At-Risk services with McCownGordon Construction, of Manhattan, Kansas, for the Joint Maintenance Facility Water, Wastewater, Street, Fleet, Forestry and Park (SP1601)].* Commissioner Estabrook seconded the motion. On a roll call vote, motion carried 5-0.

Mayor Reddi opened the public comments.

Hearing no comments, Mayor Reddi closed the public comments.

ADJOURNMENT

At 8:24 p.m., the Commission adjourned.

  
Brenda K. Wolf, CMC, City Clerk





# Staff Report

Community Development Department

## Rezoning & Preliminary DP Parkside PUD

REZ-20-003  
PUD-20-004

To: Manhattan Urban Area Planning Board  
From: Barry T. Beagle, AICP, Senior Planner  
Hearing Date: March 2, 2020  
Applicant: BBN Architects, Aaron Dyck, AIA  
Owner: Phyllis Pease  
Property Location: 1018 and 1026 Poyntz Avenue.  
Total Area: 22,500 square feet (150' x 150')  
Current Zoning: C-1, Restricted Business District  
Requested Zoning: PUD, Planned Unit Development District  
Neighborhood Zoning: North: R-1/TNO      South: C-1  
East: C-1      West: R-3

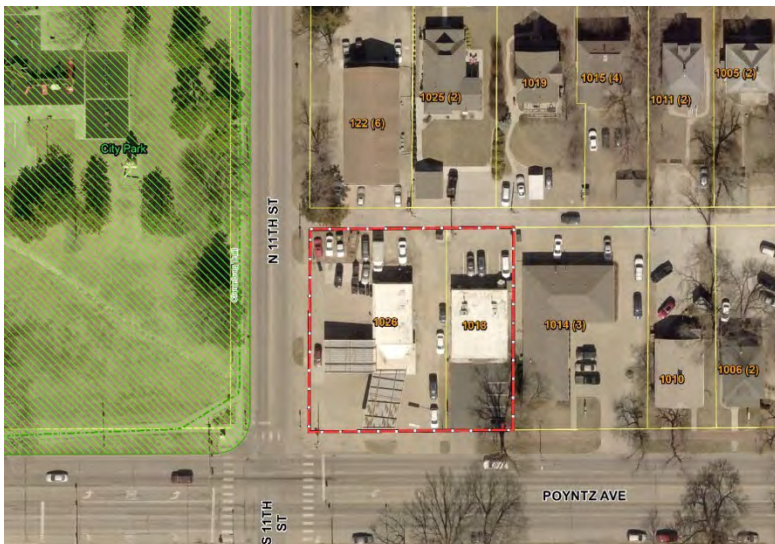


Figure 1. Vicinity Map

## **BACKGROUND**

The subject property comprises three (3) Ward lots that collectively dimension 150-feet by 150-feet at the northeast corner of N 11<sup>th</sup> Street and Poyntz Avenue. The site is presently occupied by two (2) commercial structures including a 2,020 square foot, single-story office building at 1018 Poyntz constructed in 1970; and, an 1,800 square foot, single-story automotive service station at 1026 Poyntz constructed in 1967. Up until recently acquired by the applicant, both properties operated independently of each other with their own access and parking.

The site of the office building is nearly entirely paved for parking including five (5) space for customer parking in front of the building and alley accessible parking across the back of the property to the north. The site of the former automotive service is also almost entirely paved and includes two (2) wide curb cuts, one on Poyntz, and the other on 11<sup>th</sup> Street. The site is also accessible from the alley to the north. The service station includes two (2) large canopies extending to the south and west of the building that formerly covered gas pumps that have been removed. There were a total of five (5) underground fuel tanks, the first of which was removed in 1999, with the remainder of the tanks removed in 2014.

## **PROPOSED DEVELOPMENT**

The proposed rezoning and Preliminary Development Plan (PDP) consolidates 1018 and 1026 Poyntz Avenue into a single, unified project that includes the adaptive reuse of the former service station to a restaurant/café and drinking establishment. Based on the applicant's overall project statement, the first phase will include renovation of the former office building at 1018 Poyntz to a catering bakery and catering business (Little Batch Bakery) that is scheduled to be completed in 2020. The second phase involves renovation of the existing automotive service station at 1026 Poyntz for use as a restaurant/café with drinking establishment and a local produce market (Parkside Station). This phase is estimated to be completed in 2021. The applicant sees the intended use of the property as being consistent with the Poyntz Avenue commercial corridor and serve as a link between the Downtown retail/entertainment district and Aggieville as well as serve as an amenity to City Park immediately west.

The applicant's proposal is more than a simple conversion of use of existing buildings, but the establishment of a unique social environment combining indoor/outdoor dining with outdoor social gathering spaces along with decorative landscaped features. Parkside Station will be the focal point of the development and will combine a unique indoor/outdoor dining experience with outdoor common areas facilitating casual gatherings and lounging areas. Little Batch Bakery will have two (2) to three (3) staff



*Attachment No. 1*

members and will operate from 5:00 am to 5:00 pm. Parkside Station will employ seven (7) to 10 staff members during the largest shift and will operate from 7:00 am to 10:00 pm.

In conjunction with this request, the applicant will also be seeking national register designation for the former (Conoco) service station. The State Historic Preservation Office has informed staff that the site is potentially eligible for State and National Register designation. The applicant hopes to secure historic designation before any major modifications to the station take place in order to apply for tax credits before for qualifying work. Any work requiring a building permit would have to be reviewed and approved by the Historic Resources Board of Manhattan before any such work begins to ensure historic compatibility.

### **GENERAL STANDARD FOR PLANNED UNIT DEVELOPMENTS**

Section 9-103 of the Zoning Regulations sets out general standards applicable to all PUD's that are designed to provide the greatest amount of flexibility in the mixing of compatible uses, and the location and type of structures for those uses while setting aside perpetual common open space and facilities for customers of the district.

1. **Permitted Uses.** The applicant may propose any mixture of land uses in conjunction with their PUD. In this case, outside of the applicant's declared use of the buildings, the PUD does not include any other potential uses to which the property may be put. As a result, any change of use beyond the restaurant/café and local produce market, and, catering bakery and catering business, will constitute an amendment to the PUD and will require the applicant to go through a plan amendment process as a substantial modification.
2. **District Size.** A minimum lot size of one-half acre (21,780 square feet) is required to establish a residential or commercial PUD. At 22,500 square feet, the subject property complies with the minimum lot size requirement.
3. **Bulk Regulations.** The front, side and rear yard setbacks are to be generally consistent with the existing zoning district on the proposed site and adjacent property. Both buildings generally conform to the setback requirements of the C-1 District as presently zoned except for the office building that maintains a side yard setback of 3-feet, 8-inches as opposed to 8-feet as currently required. This building has existed this way since initially constructed in 1970. In addition, the canopies associated with the former automotive service station do not conform to the front yard setback requirement on Poyntz Avenue or N 11<sup>th</sup> Street. Both canopies are original to the construction of the service station in 1967.

*Attachment No. 1*

4. **Maximum Lot Coverage.** A PUD limited solely to commercial use is limited to a total ground area occupied by structures of not more than 50% of land area. In this case, the combined area of both building and their corresponding improvements total approximately 4,300 square feet, or 19% of the land area.
5. **Signs.** Proposed signage associated with the Little Batch Bakery building includes a 20 square foot, 13-foot tall pylon sign in front of the building on Poyntz Avenue and a 33.87 square foot awning sign mounted above the buildings front entry. Signage for Parkside Station will be limited to a 27.6 square foot fascia mounted canopy sign on the leading edge of the canopy's facing N 11<sup>th</sup> Street and Poyntz Avenue. The canopy sign will consist of individual 18-inch tall letters that spell out Parkside Station. All signs will be internally illuminated.
6. **Parking.** Off-street parking shall generally comply with the requirements of Article 7 of the Zoning Regulations for establishments providing for the sale and consumption of food and/or beverages and refreshments. The PUD provides a total of 17 on-site parking spaces including two (2) ADA accessible spaces and one (1) 15-minute parking space. The PUD also identifies five (5) parking spaces behind the Little Batch Bakery along the alley as "employee parking". In addition, a bike parking area at the northwest corner of the site will accommodate up to 18 bicycles. Given neighboring residential occupancies and the site's location adjacent to City Park, it is anticipated that a good share of customer traffic will likely be on foot or by bike. Between bicycle and vehicular parking Public Works anticipates there to be adequate parking, especially given the anticipated rate of customer turnover.

Site improvements related to parking include the elimination of the over-wide driveway on N 11<sup>th</sup> Street and limiting vehicular traffic to two (2) point of access on Poyntz Avenue and the alley that runs along the north property line. The eastern access drive on Poyntz Avenue will be narrowed slightly and serve four (4) customer parking spaces in front of the Little Batch Bakery building. The western access drive will be substantially narrowed to facilitate a one-way traffic movement from south to north. The north end of the drive will need to be signed "Do Not Enter" to reinforce the one-way orientation of the drive.

7. **Guarantees.** Landscaping and underground irrigation shall be guaranteed by the applicant by providing a bond, letter of credit, certificate of deposit, or equivalent to guarantee their installation. A Landscape Performance Agreement will need to be executed with the City prior to issuance of a building permit or commencement of use associated with Phase 2.

## **REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS**

Section 9-104 of the Zoning Regulations sets out criteria that is to be used by the Planning Board and Governing Body, in addition to matters considered with the establishment of any zoning district, in determination of the approval, approval with conditions or disapproval of a proposed PUD District.

- 1. Landscaping.** The Preliminary Development Plan of Parkside includes a Landscape Plan labeled as Sheet L1.00. The landscape plan specifies the type, size and quantity of landscape materials to be installed with respect to the proposed project including the proposed method of irrigation. The principal focus of the landscape plan is with respect to Parkside Station at the corner of N 11<sup>th</sup> Street and Poyntz Avenue. Parkside Station is the focal point of the development and the place where people will congregate on the property. A distinctive feature of the development is the open space area on the west and south sides of the building. Landscaping in this area will be incorporated into a three (3) foot block wall with planting bed extending along N 11<sup>th</sup> Street and Poyntz Avenue. Landscaping will include a combination of evergreen and deciduous shrubs and narrow columnar trees to create a unique and distinctive streetscape appearance. The applicant's proposal also includes similar plantings between the sidewalk and curb across the site's frontage on N 11<sup>th</sup> Street and Poyntz Avenue. Public Works does not object to landscaping in the right-of-way provided it does not obstruct sight distance along both streets and the applicant assumes responsibility for maintenance.
- 2. Screening.** Sec. 9-104(B) of the Zoning Regulations indicates that screening shall be required when a non-residential use abuts an existing residential use or where outdoor storage areas are proposed. In this case, the proposed rezoning and resulting improvements do not alter the existing land use relationship between the subject property and adjoining residential property to the north across the alley. Both the subject property and residential property to the north back onto the alley. For the past 53-years, 1026 Poyntz was used as a gas service station that dispensed gas as well as performed general automotive service. In more recent years, the gas pumps and underground gas tanks were removed and the station concentrated more on tire and general automotive service. As a result, cars in varying stages of repair have been parked or stored on the property in addition to outdoor tire racks that have resulted in a somewhat cluttered appearance. Over this time, there has not existed any form of screening as a buffer to residential property across the alley to the north. The proposed rezoning and PUD will dramatically change the character and appearance of the property. Although the former service station and canopies will remain, the property will be repurposed as a unique dining attraction. In place of cars indiscriminately parked on the property, a distinctive open dining area and gathering

place will be created. To provide definition of this space, an eight (8) foot tall breeze block wall will be constructed across this areas north boundary between the Parkside Station and the sidewalk on N 11<sup>th</sup> Street. In addition to the width of the alley and parking along the alley, the breeze block wall will provide an extra degree of separation to residential property to the north. As it is, the site's repurpose as a restaurant/café is anticipated to be more neighborhood friendly than the site's former use as a service station. The occupation of the former office building as a bakery and catering business does not alter the site nor the existing land use relationship with neighboring residential property to the north for which screening is required.

3. **Drainage.** The drainage system shall be designed in conformance with the Stormwater Management Plan. Public Works observed that the total impervious surface under proposed conditions appears to be less than that under existing conditions. Based on that consideration, a drainage report was not required in conjunction with this proposal. A 2016 Downtown East and West Watershed Study indicates the southwest corner of the property may be subject to a 100-year inundation, but does not indicate such inundation will make contact with either building on site. Public Works indicates that internal site drainage will need to be reviewed at the time of building permit application. They anticipate the need to connect the site directly to the City storm sewer system with the existing inlet at the southwest corner of the site being the most conducive for this purpose. If the applicant chooses to make this connection, the inlets condition may require its replacement at the time of construction.
4. **Circulation.** Sec. 9-104(D) of the Zoning Regulations indicates the internal circulation plan shall provide for safe, convenient and efficient movement of goods, motorists and pedestrians; pedestrian traffic shall be accommodated within the development; and, bicycle pathways be incorporated into the design of vehicle and pedestrian traffic ways. The Preliminary Development Plan makes some significant changes with respect to site access and internal circulation. A significant improvement will be the elimination of the driveway on N 11<sup>th</sup> Street that is over 54-feet wide. As the area west of Parkside Station is being repurposed as common open space, there is no need to continue to support this driveway. This will limit site access from N 11<sup>th</sup> Street to the alley. The western most driveway on Poyntz Avenue is over 33-feet wide and facilitates a two-way traffic movement. This driveway is proposed to be reduced to 14-feet in width that will restrict traffic movement to a one-way orientation that is proposed from south to north. A "Do Not Enter" sign should be posted at the intersection of the drive with the alley to reinforce its one-way orientation. The combination of parallel and angled parking spaces along this driveway will also reinforce its one-way orientation. The eastern most driveway on Poyntz will be narrowed slightly but still facilitate a two-way traffic movement. Public Works supports the changes in access and the resulting traffic circulation pattern.

*Attachment No. 1*

Pedestrians can conveniently access both buildings from the sidewalk on Poyntz. Pedestrians can access the site from the sidewalk on N 11<sup>th</sup> Street through a separation in the eight (8) foot tall breeze block wall at the north end of the common open space area.

The applicant's proposal also includes a bicycle parking area at the northwest corner of the property that will provide 18 secure parking spaces. This is an important feature as it is anticipated that a number of patrons will access the site by bike.

5. **Open Space and Common Area:** Sec. 9-104(E) of the Zoning Regulations indicates that applicants are encouraged to provide open space for the use of residents or users of the PUD. Common open space shall be consistent with the planned function of the PUD and located to be convenient, readily accessible and visually attractive. The project will result in an overall reduction of driveway and parking area on the south and west sides of Parkside Station by replacing pavement used for parking and storage of vehicles under repair with outdoor dining and lounging areas. This unique outdoor experience is an integral part of the adaptive reuse of the former service station to a restaurant/café. Landscaping will be focused on the streetscape and create a distinctive edge effect on N 11<sup>th</sup> Street and Poyntz Avenue. This common open space is consistent with the planned function of the PUD and located to be convenient, readily accessible and visually attractive.

## **MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS**

Section 15-403(A) of the Zoning Regulations identifies 13 factors that should be considered when evaluating the suitability of a rezoning request affecting specific property. The factors are in bold print, followed by findings of fact and staff evaluations, when applicable.

1. **The Existing Use of Property.** The subject property currently exists as two (2) separate but adjoining commercial properties presently zoned the C-1, Restricted Business District. 1018 Poyntz Avenue is presently occupied by an approximate 2,020 square foot office building constructed in 1970. 1026 Poyntz Avenue at the corner of N 11<sup>th</sup> Street and Poyntz Avenue is presently occupied by an approximate 1,800 square foot former gas station constructed in 1967. In more recent years, the underground fuel tanks and gas pumps have been removed from the property and the building is used for general automotive service.

*Evaluation:* The subject property has been in continuous commercial use since the later 1960's.

2. **The Physical and Environmental Characteristics of the Property.** The subject property is relatively flat draining slightly to the south. The land encompassing both buildings is nearly entirely paved.

Based on records of the Kansas Department of Health and Environment (KDHE) there were a total of five (5) underground fuel storage tanks on the site of the former gas station. Each of the tanks are listed as having been installed in 1966. With the elimination of gas service at the station, the gas pumps were eventually removed. The first of the underground tanks was removed in 1999 with the remainder removed in 2014. KDHE notes that with the removal of the remaining fuel tanks in 2014, the site was entered into their Trust Fund Program. The trust fund is intended to assist owners and operators of storage tanks with the cost of remedial action where contamination from petroleum storage tanks has occurred. Based on a last site assessment in 2016, the site was assigned to the monitoring unit and no remediation was applied. The applicant was asked to confirm with KDHE if the proposed change of use to a restaurant would require special approval. The response from KDHE is that it would not require any approval or consent by them, except to note that if there is excavation and a strong odor of petroleum is detected, KDHE would have to be notified.

*Evaluation:* There are no physical characteristics associated with the property that would deter its improvement as proposed. Except for alteration of drives and parking, both building that currently occupy the site will remain. Based on comments from KDHE, there do not appear to be any environmental characteristics that would deter the site's change of use to a restaurant/café and commercial bakery and catering business.

3. **The Zoning and Land Uses of Nearby Properties.**

North	R-1/TNO, Single-Family Residential with Traditional Neighborhood Overlay – Multiple-Family Residential.
South	C-1, Restricted Business District – Professional Office.
East	C-1, Restricted Business District – Professional Office.
West	R-3/TNO, Multiple-Family Residential with Traditional Neighborhood Overlay – Manhattan City Park.

See map below for zoning context.

- The Suitability of the Property for Land Uses to which it is Restricted under Current Zoning.** The site's present classification of C-1 is consistent with the Poyntz Avenue commercial corridor extending west of Downtown to N 17<sup>th</sup> Street. The existing office building at 1018 Poyntz Avenue is a permitted use in the C-1 District although the site itself does not conform to the minimum lot size requirements of the district.

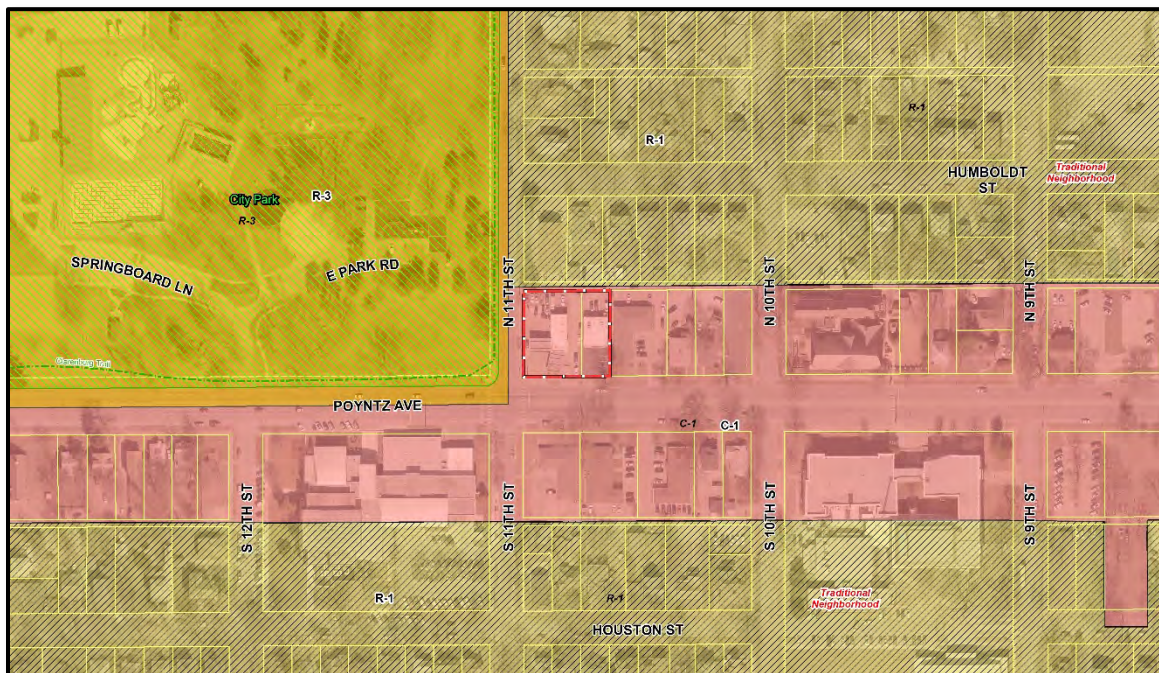


Figure 2. Zoning Map

The automotive services station at 1026 Poyntz Avenue is not permitted in the C-1 District as presently zoned, but, is believed to have been compliant with zoning at the time of its construction in 1967.

*Evaluation:* Based on the established character of the Poyntz Avenue commercial corridor, the subject property remains suitable for the uses to which presently restricted.

- The Character of the Neighborhood.** As noted, the subject property is part of a long established commercial corridor extending west of Downtown to N 17<sup>th</sup> Street along Poyntz Avenue. Properties fronting Poyntz Avenue to the depth of the alley form the corridor and are zoned the C-1, Restricted Business District. Properties that constitute the corridor have historically been used for office, institutional and limited commercial land uses. Situated at the northeast corner of N 11<sup>th</sup> Street and Poyntz Avenue, the subject property is part of the Poyntz Avenue commercial corridor.



*Attachment No. 1*

More immediately, the subject property is bounded to the north by a six (6) unit apartment building and a single-family dwelling converted into two (2) apartment units; to the south by professional office buildings; to the east by a professional office building; and, to the west by City Park.

*Evaluation:* The character of this area defined by the Poyntz Avenue commercial corridor, residential development to the north and City Park to the west. Based upon the established pattern of land use, this area is not in transition to uses inconsistent with the established character of the immediate area.

6. **The Compatibility of the Proposed Zoning District with Nearby Properties and the Extent to which it may Detrimentially Affect those Properties.** The proposed rezoning and Preliminary Development Plan provide for the adaptive reuse of a former gas station and automotive repair shop to a neighborhood restaurant/café. The adjoining building will be retained and converted from an office to a bakery and catering business. Together, they make up the Parkside PUD. An objective of the PUD District is to achieve a development plan which suits the specific needs of the site and takes into account the unique conditions of the property which may require changes of conventional bulk regulations, lot layout, or density; or results in a project that provides greater public benefit than would be provided under conventional zoning,

As presently zoned, the C-1 District does not accommodate the uses proposed and would require the property be reclassified to a higher intensity commercial district. The range of uses allowed would be inconsistent with the predominant character of the corridor for office, institutional and limited commercial uses. Given its unique position between Downtown and Aggieville and location across from City Park, the property has tremendous potential to be keystone project that ties together with the commercial corridor, adjoining residential neighborhood and City Park. A growing trend across the country is the conversion of old and abandoned gas stations to new innovative uses such as offices, restaurants and small shops. At the center of such projects is the conversion and adaptive reuse of the gas station itself. In addition to the restoration of the gas station, such projects often include open space amenities catering to outdoor dining and public gathering spaces. Conventional zoning may not provide the right tools by which to accommodate such a conversion let alone the incorporation of unique and character defining features that make them an attraction to the neighborhood and community as a whole.

*Evaluation:* The applicant's proposal achieves the objectives of the PUD District by accommodating a compatible adaptive reuse of the former gas station and office building that provides a greater public benefit that would be provided under conventional zoning.

- 7. The Conformance of the Requested Change to the Adopted Comprehensive Plan for the City of Manhattan. (If the proposed amendment is in accordance with said Comprehensive Plan, it shall be presumed to be reasonable).** The subject property is indicated on the Future Land Use Map of the 2035 Manhattan Urban Area Comprehensive Plan (MUACP) as *Office/Research* that coincides with the commercial corridor extending west of Downtown along Poyntz Avenue. The Office/Research land use designation is intended to accommodate high quality employment facilities, such as corporate office headquarters, research and development, and education. The office building at 1018 Poyntz Avenue is consistent with this land use designation, however, the automotive service station is inconsistent with this designation. In this case, the subject property is at the junction of the Poyntz Avenue commercial corridor, an established residential neighborhood to the north, and, City Park to the west. Situated between Downtown and Aggieville and across from City Park, the proposed reclassification and PUD would provide an appropriate neighborhood-scale service (restaurant/café and bakery) compatible with the adjoining residential neighborhood to the north, while being complimentary to neighboring professional offices along the Poyntz Avenue commercial corridor.

*Evaluation:* The proposed reclassification and intended development will result in an overall reduction of intensity of use. The conversion of the former automotive service station to a restaurant/café will dramatically change the appearance and character of the property. The resulting improvement will not only benefit the adjoining residential neighborhood, but, provide a unique service consistent and compatible with the Poyntz Avenue commercial corridor of which it is a part.

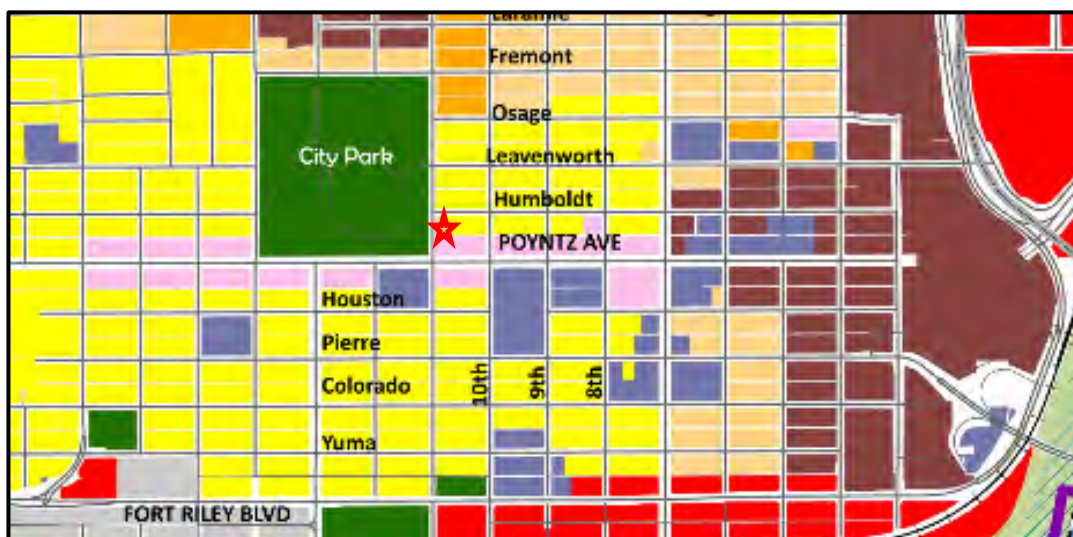


Figure 3. Future Land Use Map

8. **The Zoning History of the Subject Property and the Length of Time it has Remained Vacant as Zoned.** The subject property is part of the original town core area neighborhoods. In the 1960's, properties fronting Poyntz Avenue extending west of downtown to N 17<sup>th</sup> Street were reclassified to the C-1 District. The former gas station and adjoining office building on the subject property were constructed in 1967 and 1970, respectively.

9. **Whether the Proposed District would be Consistent with the Intent of these Regulations.** The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land within zoning districts to assure compatibility; and to protect property.

*Evaluation:* The proposed reclassification and intended use are consistent with the Poyntz Avenue commercial district. The subject property is expected to be an amenity to the adjacent neighborhood.

10. **The Relative Gain to the Public Health, Safety, and Welfare of the Applicant that would Result from Denial.** The proposed request for a Parkside PUD accompanying Parkside PUD is expected to yield a greater public benefit than if the property were redeveloped under existing zoning. The PUD creates a unique and innovative project that keys on the former gas station and its conversion to a restaurant/café. The PUD creates the opportunity for a higher amenity of common open spaces and landscaping than could be achieved through conventional zoning. With limited off-site impacts anticipated, if any, there appears to be no relative gain to the public health, safety and welfare by denying the request compared to the hardship imposed on the applicant by the denial of their request.

*Evaluation:* There appears to be no relative gain to the public if the request is denied compared to the hardship imposed on the applicant by the denial of their request. It is not as though the subject property lacks the opportunity to be redeveloped as presently zoned, however, conventional zoning does not provide the flexibility to achieve the type of project with its anticipated benefits as proposed.

11. **Whether Adequate Sewer and Water Facilities, Streets, and other Needed Public Services exist, or can be Provided, or Serve the Uses that would be Permitted by the Proposed Zoning District.** Public services are available to be extended to the subject property.

*Evaluation:* Public services are presently available and adequate to serve the property.



*Attachment No. 1*

**12. Such Additional Matters as may Apply in Individual Circumstances**

No additional matters beyond what has previously been discussed.

**13. The Recommendations of Permanent or Professional Staff**

The proposed reclassification and accompanying PUD provide for a use and development that is consistent and compatible with the historic context in which located. The resulting development is seen as not only being compatible with the adjoining residential neighborhood to the north, but complimentary to the commercial corridor of which it is a part as well as its location adjacent to City Park.

*Staff Conclusion:* Based on the findings found in the staff report, City Administration recommends approval of the proposed reclassification and Preliminary Development Plan of Parkside PUD with the following conditions:

1. To reinforce the one-way orientation of the western drive approach on Poyntz Avenue, install a “One-Way, Do Not Enter” sign at the point where the drive intersects with the alley.
2. Any change of use beyond the restaurant/café and local produce market, and, catering bakery and catering business, will constitute an amendment to the PUD and will require the applicant to go through a plan amendment process as a substantial modification.

**ALTERNATIVES**

The MUAPB has the following alternatives concerning the **rezoning**. The Board may:

1. Recommend **approval** of the proposed rezoning from C-1, Restricted Business District to Parkside Commercial PUD, Planned Unit Development District, stating the basis for such recommendation, with the conditions listed in the staff report.
2. Recommend **approval** of the proposed rezoning from C-1, Restricted Business District to Parkside Commercial PUD, Planned Unit Development District, and modify the conditions, and any other portions of the proposed PUD, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.
3. Recommend **denial** of the proposed rezoning stating the specific reasons for denial.
4. **Table** a recommendation on the rezoning to a specific date, indicating the reasons for tabling.

## **POSSIBLE MOTIONS**

The Manhattan Urban Area Planning Board recommend **approval** of the proposed rezoning from C-1, Restricted Business District, to Parkside Commercial PUD, Planned Unit Development District, based on the findings in the staff report with the two conditions recommended by City Administration.

**Dated:** February 27, 2020

### **Attachments:**

1. Application
2. Parkside PUD Narrative
3. Neighborhood Meeting Report
4. Parkside Preliminary Development Plan (6 sheets)